

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PHT CORPORATION,)	
)	
Plaintiff,)	
v.)	C.A. No. 04-60 (GMS)
)	
INVIVODATA, INC.,)	
)	
Defendant.)	
<hr/>		
PHT CORPORATION,)	
)	
Plaintiff,)	
v.)	
)	
CRF, INC.,)	C.A. No. 04-61 (GMS)
)	
Defendant.)	
<hr/>		
PHT CORPORATION,)	
)	
Plaintiff,)	
v.)	
)	
ETRIALS WORLDWIDE, INC.)	C.A. No. 04-821 (GMS)
)	
Defendant.)	

**APPENDIX IN SUPPORT OF
DEFENDANTS' OPENING MARKMAN BRIEF**

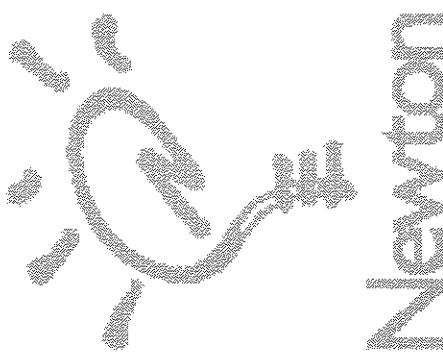
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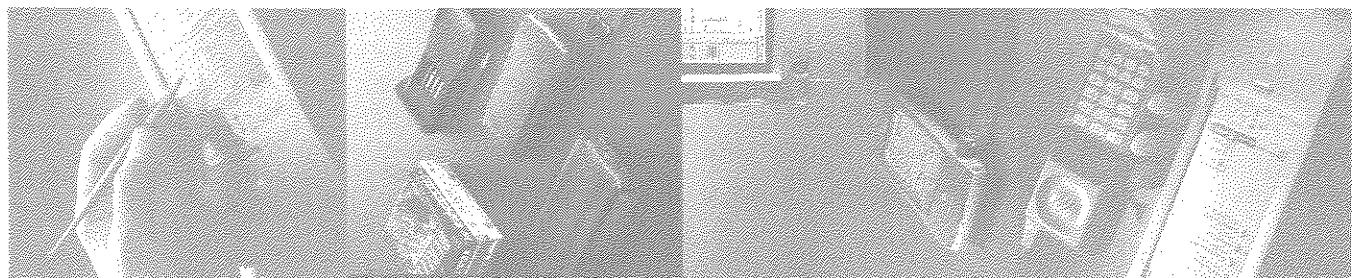
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EXHIBIT A



**Apple MessagePad
Handbook**





Apple Computer, Inc.
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This product is powered by Advanced RISC Machine's
 high performance, power efficient, 32-bit RISC microprocessor.

For more information call:

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Simultaneously published in the United States and Canada.

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Communications regulation information

FCC statement

This equipment has been tested and found to comply with the limits for a Class B digital device in accordance with the specifications in Part 15 of FCC rules. See instructions if interference to radio or television reception is suspected.

Radio and television interference

The equipment described in this manual generates, uses, and can radiate radio-frequency energy. If it is not installed and used properly—that is, in strict accordance with Apple's instructions—it may cause interference with radio and television reception.

This equipment has been tested and found to comply with the limits for a Class B digital device in accordance with the specifications in Part 15 of FCC rules. These specifications are designed to provide reasonable protection against such interference in a residential installation. However, there is no guarantee that interference will not occur in a particular installation.

You can determine whether your computer system is causing interference by turning it off. If the interference stops, it was probably caused by the computer or one of the peripheral devices.

- Turn the television or radio antenna until the interference stops.
- Move the computer to one side or the other of the television or radio.
- Move the computer farther away from the television or radio.
- Plug the computer into an outlet that is on a different circuit from the television or radio. (That is, make certain the computer and the television or radio are on circuits controlled by different circuit breakers or fuses.)

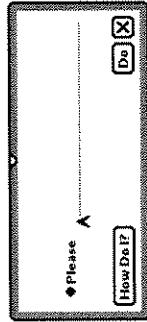
If necessary, consult an Apple-authorized service provider or Apple. See the service and support information that came with your Apple product. Or, consult an experienced radio/television technician for additional suggestions. You may find the following booklet helpful: *Interference Handbook* (stock number 004-000-00493-1). This booklet, prepared by the Federal Communications Commission, is available from the U.S. Government Printing Office, Washington, DC 20402.

Important Changes or modifications to this product not authorized by Apple Computer, Inc., could void the FCC certification and negate your authority to operate the product.

Using Assist to perform tasks automatically

Your MessagePad can help you work more quickly and effectively by automatically performing some tasks for you. These include faxing, scheduling, mailing, finding text, printing, and entering items in your To Do list.

Tap Assist (A). A slip appears.



Tap the diamond (◆) next to the word Please and tap a choice from the list or write your request on the line. Then tap Do. A slip appears where you enter the appropriate information. When you are done, tap the button near the bottom of the screen to perform the action (tap Schedule, for instance, to schedule a meeting).

For more information, see the chapter "Using Assist and Accessing On-Screen Help."

Part 6: Using storage cards

You can use PCMCIA Type I and Type II cards with your MessagePad. There are three kinds of cards: application cards (also called titles), storage cards (which add more storage space to your MessagePad), and special-purpose cards (such as modems).

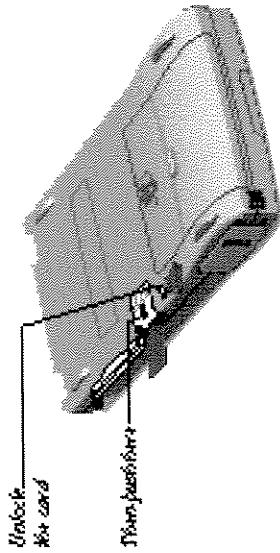
When you insert a card, make sure you push it all the way into its slot and lock the locking tab. When you lock the locking tab, the MessagePad takes a few moments to examine the card. When it's ready to use the card, a slip appears with information about the card.

Important You should never use or store the MessagePad while the card slot is empty. If you get any dirt or dust in the card slot the system may fail. After removing a card, always insert another one, or insert the protective plastic card that came with your MessagePad.

Warning You may remove cards while the MessagePad is on. However, don't remove a card while the MessagePad is still using it, or you may lose the information stored on the card. Wait 5–10 seconds after storing or using something on the card before you remove it. If you remove a card, you may have to reinsert it temporarily.

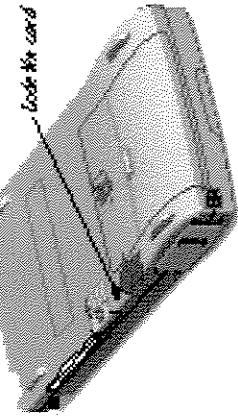
To remove the plastic card that came with your MessagePad and insert an application card or storage card:

- 1 Unlock the card slot by pushing down the locking tab.



- 2 Release the card by pushing the release lever, which pushes the card out of the slot.

- 3 Take the card out.
- 4 Insert the new card in the card slot. The card fits only one way; don't force it.

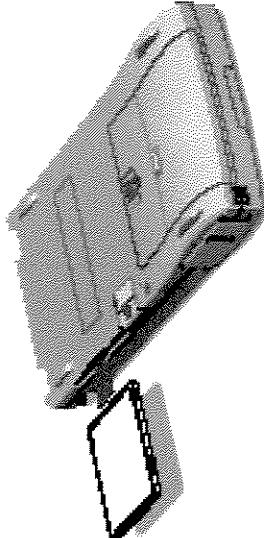


Application cards

Application cards contain software in a variety of categories, including financial tools, business and personal productivity, travel guides, reference information, and games.

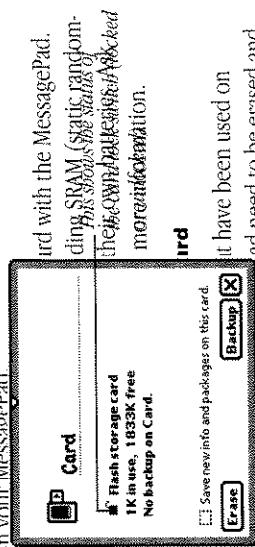
To use an application card:

- 1 Insert the card. Make sure you push it all the way into its slot and lock the locking tab.
- 2 Wait for a slip to appear indicating that the MessagePad has examined the card. Tap Ψ to close the slip.
- 3 Tap Extras  to open the Extras Drawer. An icon for the application appears in the Extras Drawer.
- 4 Tap the icon and follow the instructions that came with the application.

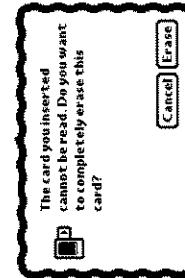


Storage cards

You can use storage cards to store new information, transfer information, and make a backup copy of all the information in your MessagePad.



If you insert such a card, the MessagePad displays this message. If it has been used on another MessagePad, it will need to be erased and formatted before you can use them.

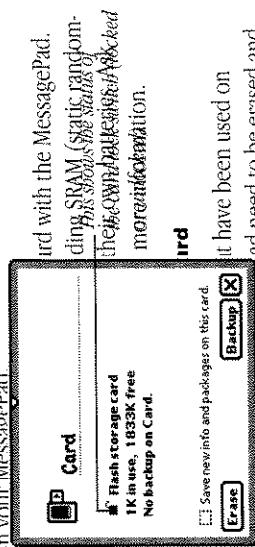


Warning Tapping Erase deletes all the information on the card.

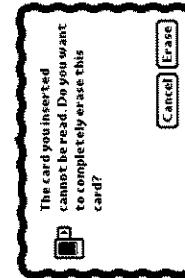
Tap Erase if you want to use the card in your MessagePad. After the MessagePad erases and formats the card, a box appears with a number of choices.

Storage card choices

When you insert a storage card, a slip appears showing you information on the card.



If you insert such a card, the MessagePad displays this message. If it has been used on another MessagePad, it will need to be erased and formatted before you can use them.



Warning Tapping Erase deletes all the information on the card.

Tap Erase if you want to use the card in your MessagePad. After the MessagePad erases and formats the card, a box appears with a number of choices.

Storage card choices

When you insert a storage card, a slip appears showing you information on the card.

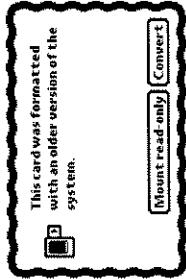
- To store new information automatically, check "Save new info and packages on this card."
- To make a copy of all the information stored in the internal memory of your MessagePad, tap Backup. This does not back up information or application packages that are stored on the card.
- If there is a backup on the card, a Restore button appears. Tapping Restore allows you to restore information from the card to your MessagePad.

Using a card from an earlier system software version

You can use storage cards in your MessagePad that were formatted with an earlier version of the Newton operating system. You can choose to mount the card as read-only or to convert the information on the card.

Important Some of the application information developed for earlier versions of the Newton operating system may not be compatible. If you experience problems, check with the software publisher for information about an upgrade.

Insert the card. A warning slip appears.



- If you tap "Mount read-only," you can read and use some information, and you'll still be able to use the card in the device that created the information.
- If you tap Convert, the card will be reformatted and any information on the card will be converted. This will erase all information on the card.

Warning After converting a card, you won't be able to use it with a device that uses an earlier version of the Newton operation system unless you reformat the card. All of the information on the card will be erased.

CHAPTER

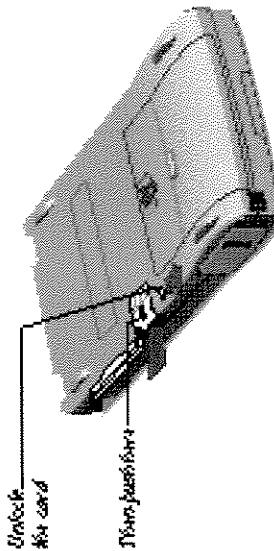
11**Using Storage and Application Cards**

You can use PCMCIA Type I and Type II cards with your MessagePad. There are three types of cards: application cards (also called titles), storage cards (which add more storage space to your MessagePad), and accessory cards (such as modems).

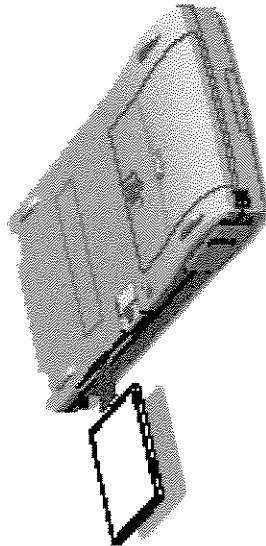
Inserting and removing cards

Before you can use a card, you must remove the plastic card that came with your MessagePad.

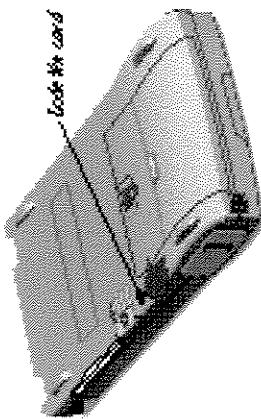
- ¶ Unlock the card slot by pushing down the locking tab.



- 2** Release the card by pushing the release lever, which pushes the card out of the slot.
- 3** Take the card out.
- 4** Insert the new card in the card slot. The card fits only one way; don't force it.



- 5** Push the card all the way in to make sure it's connected properly, then lock the card in the slot by pushing up the locking tab.



When you insert the card, make sure you push it all the way into its slot and lock the locking tab. When you lock the locking tab, your MessagePad takes a few moments to examine the card. When your MessagePad is ready to use the card, a slip appears with information about the card. What you see next on your MessagePad depends on what type of card you inserted:

- **New storage card**—A message appears telling you the card cannot be read and you need to erase all of the information on it. See the next section, "Using Storage Cards."
- **Previously used storage card**—A slip appears showing the name of the card. See the next section, "Using Storage Cards."
- **Application card**—An icon appears in the Extras Drawer. See the section "Using Application Cards" later in this chapter.

Important After removing a card, always insert another card or insert the protective plastic card that came with your MessagePad. *Never use or store your MessagePad while the card slot is empty.*

Warning You may remove cards while your MessagePad is on. However, *do not* remove a card while your MessagePad is still using it, or you may lose the information stored on the card. If you want to remove a card, wait 5–10 seconds after storing or using the card.

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

PHT CORPORATION,)	
)	
Plaintiff,)	
v.)	Civil Case No. 04-60 GMS
)	
INVIVODATA, INC.,)	
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Defendant.)	
<hr/>		
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Plaintiff,)	Civil Case No. 04-61 GMS
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)	
CRF, INC.,)	
)	
Defendant.)	
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PHT CORPORATION,)	
)	
Plaintiff,)	
v.)	Civil Case No. 04-821 GMS
)	
ETRIALS WORLDWIDE, INC.,)	
)	
Defendant.)	

**PHT'S RESPONSES AND OBJECTIONS TO ETRIALS WORLDWIDE, INC.'S
FIRST SET OF INTERROGATORIES TO PHT CORPORATION**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Plaintiff PHT Corporation ("PHT") responds to etrials Worldwide, Inc.'s ("etrials") First Set of Interrogatories to PHT (Nos. 1-12) as follows:

INTERROGATORY NO. 2:

State in detail all factual and legal bases for PHT's allegation that etrials infringed or infringes the '985 patent, including by identifying and describing (at least in claim chart form) how each limitation of each Asserted Claim is satisfied by each Accused Product.

RESPONSE TO INTERROGATORY NO. 2:

PHT objects to this interrogatory to the extent it seeks disclosure of information covered by the attorney/client privilege, the attorney work product doctrine, or any other applicable privilege or immunity. PHT further objects to this interrogatory as discovery in this case is at an early stage, and PHT has not yet received any discovery from etrials. PHT reserves the right to amend and supplement this response following receipt of discovery from etrials.

Subject to the foregoing objections, PHT answers as follows:

CLAIM	ETRIAL'S INFRINGING DEVICE/SYSTEM
22. A portable personal health tracker comprising:	The QuickStudy Log from etrials fits into the palm of the patient's hand.
a data logger that collects and records subjective data from a subject regarding the subject's psychological condition and subjectively observed physiological condition;	The QuickStudy Log records subjective and quality-of-life data input by the patient.
a time base which tracks a time of recording of the data;	All entries made into the QuickStudy Log are date and time stamped.
a data storage unit in which the data is stored with reference to the time base such as to provide a chronological health history of the subject; and	Data entered into the QuickStudy Log is maintained on the device

CLAIM	ETRIAL'S INFRINGING DEVICE/SYSTEM
a data transmission device capable of connecting directly to a communication network to allow transmission of data to a destination site from points of access to the network that are remote to the destination site,	The data from the QuickStudy Log is transferred directly into the central database.
wherein each of the components of the health tracker is part of a single, unified portable unit that may be used by an ambulatory patient.	While the QuickStudy Log is uploading data to the central server, and at other times, each of the components of the personal health tracker are present in a single unified device.
23. A portable personal health tracker according to claim 22 wherein the data transmission device comprises a modem.	The data transmission device includes a modem.
24. A portable personal health tracker according to claim 22 wherein the data transmission device connects to a data network via a direct telephone connection.	The QuickStudy Log may be linked to the Internet using a modem connected directly to a telephone jack.
25. A portable personal health tracker according to claim 22 wherein the data transmission device connects directly to a data network.	The QuickStudy Log may connect directly to the Internet without a modem.
26. A portable personal health tracker according to claim 22 wherein the health tracker is a hand-held device.	The QuickStudy Log is small enough and light enough to be carried by a patient in his or her hand.
27. A portable personal health tracker according to claim 22 further comprising a message receiver means by which the subject may receive and view messages directed to the data logger.	The QuickStudy Log may receive messages sent from the central server.
28. A portable personal health tracker according to claim 22 further comprising a message generator by which the subject may create and send messages.	The QuickStudy Log permits the patient to elaborate on their conditions by sending additional information (messages) to the central server.
29. A portable personal health tracker according to claim 22 further comprising a tactile input device on which the subject may write and the subject's writing is detected, said tactile input device generating a digitized representation of the detected writing.	The QuickStudy Log includes a tactile input device with which the patient can write, with the tactile input device generating a digitized representation of the writing.
30. A portable personal health tracker according to claim 29 wherein the digitized representation of the subject's writing is transmittable via the data transmission device.	The QuickStudy Log permits messages created by the patient using the tactile input device to be transmitted to the central server.

CLAIM	ETRIAL'S INFRINGING DEVICE/SYSTEM
34. A personal health tracking system comprising:	The eClinical Platform from etrials comprises the following elements:
a portable unit having a data logger that collects and records subjective data from a subject regarding the subject's psychological condition and subjectively observed physiological condition;	The QuickStudy Log records subjective and quality-of-life data input by the patient.
a time base of the portable unit which tracks a time of recording of the data;	All entries made into the QuickStudy Log are date and time stamped.
a data storage location remote from the portable unit in which the data is stored with reference to the time base such as to provide a chronological history of the subject's psychological condition; and	The eClinical Platform stores the data from the QuickStudy Logs on a central server.
a data transmission device of the portable unit that transmits data to the data storage location via a digital data network.	The data from the QuickStudy Log is transferred directly into the central server over the Internet, a digital data network.
36. A personal health tracking system according to claim 34 wherein the digital data network comprises a public data network.	The data from the QuickStudy Log is transferred directly into the central server over the Internet, a public data network..
37. A personal health tracking system according to claim 34 wherein the digital data network comprises the Internet.	The data from the QuickStudy Log is transferred directly into the central server over the Internet..
38. A personal health tracking system according to claim 34 wherein the data transmission device comprises a connection device that facilitates connection to the data network.	The QuickStudy Log may use a cradle to facilitate connection to the data network or cable to connect to a network.
39. A personal health tracking system according to claim 38 wherein the connection device comprises a modem that is connectable directly to a public telephone network.	The QuickStudy Log's cradle may comprise a modem.
40. A personal health tracking system according to claim 38 wherein the connection device is connectable directly to a local data network access connection.	The QuickStudy Log may connect to the Internet using a cable or other device.
41. A personal health tracking system according to claim 34 wherein the data storage location comprises a digital file server.	The eClinical Platform uses a central server.

The factual information contained in the foregoing PHT'S Responses and Objections to etrials Worldwide, Inc.'s First Set of Interrogatories to PHT Corporation is true and correct to the best of my knowledge and belief, based on information currently available to me.

Name: _____

Title: _____

PHT CORPORATION

February 23, 2005

Signed as to Objections and
Contentions Only,



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Dated: February 23, 2005

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, N. Whitney Wilson, hereby certify that on February 23, 2005, a true and correct copy of the within document was caused to be served on the following counsel of record, in the manner indicated below:

VIA FEDERAL EXPRESS

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Avinash S. Lele
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New York, NY 10020



N. Whitney Wilson

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on March 11, 2005, I electronically filed Appendix in Support of Defendants' Opening Markman Brief with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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and I, the undersigned, also hereby certify that on March 11, 2005, I sent by Federal Express, the above-stated document to:

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